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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
RIVERSIDE

BY: \_\_\_\_\_

Attorneys for Plaintiff,  
El Paseo Jewelry, Inc., a California corporation

**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA – EASTERN DIVISION**

EL PASEO JEWELRY, INC., a  
California Corporation,

**ED CV 13 - 01708**  
Case No.:

**CBM  
(OPx)**

**COMPLAINT FOR:**

1. FALSE ADVERTISING (15  
U.S.C. § 1125(a);
2. FALSE ADVERTISING (Cal.  
Bus. & Prof. C. § 17500 *et. seq.*);
3. STATUTORY UNFAIR  
COMPETITION (Cal. Bus. &  
Prof. C. § 17200 *et. seq.*).

Plaintiff,

vs.

OUT OF THE BOX ENTERPRISES, a  
Texas limited liability company;  
DARIN DAMME, an individual;  
ROBERT RIDDLEMOSER, an  
individual;

Defendants.

**DEMAND FOR JURY TRIAL**

Plaintiff El Paseo Jewelry, Inc., a California corporation ("El Paseo")  
alleges as follows:

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## I. JURISDICTION AND VENUE

1. This is false advertising suit brought under 15 U.S.C. § 1125(a) (Lanham Act); Cal. Bus. & Prof. C. §§ 17500 *et seq.*, 17505; Cal. Bus. & Prof. C. § 17200 *et seq.*. El Paseo seeks damages, disgorgement, and injunctive relief under the Lanham Act. It seeks injunctive relief and any other appropriate equitable remedy, such as corrective advertising, under Cal. Bus. & Prof. C. §§ 17500 *et seq.*, 17505; Cal. Bus. & Prof. C. § 17200 *et seq.*.

2. The Court has federal question jurisdiction under 28 U.S.C. § 1331 over El Paseo's First Claim for Relief for false advertising actionable under the Lanham Act, 15 U.S.C. § 1125. The Court has jurisdiction over El Paseo's Second through Third Claims for Relief under 28 U.S.C. § 1367(a) for statutory false advertising, and statutory unfair competition, actionable under California law, because those claims are so related to Plaintiff's claims within the Court's original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.

3. Venue is proper in this district because: (a) the Defendants are subject to personal jurisdiction in this district and reside in this district for purposes of 28 U.S.C. §§ 1391(b)(1) and 1391(c); and, alternatively, (b) because a substantial part of the events giving rise to El Paseo's claims occurred in this district, making venue appropriate under 28 U.S.C. § 1391(b)(2).

## II. THE PARTIES

4. El Paseo Jewelry, Inc., is a corporation organized and existing under the laws of the State of California with its principal place of business in Palm Desert, Riverside County, California.

5. Out of the Box Enterprises, LLC ("Out of the Box") is a limited

1 liability company organized and existing under the laws of the State of Texas,  
2 registered to do business in California, and with its principal place of business  
3 in Rancho Mirage, Riverside County, California.  
4

5 6. Darin Damme ("Damme") is an individual residing in Riverside  
6 County, California.

7 7. Robert Riddlemoser ("Riddlemoser") is an individual residing in  
8 Riverside County, California.

9 8. Damme, Riddlemoser, and Out of the Box are collectively referred  
10 to herein as "Out of the Box Defendants".

### 11 **III. FACTUAL BACKGROUND**

#### 12 **A. THE COMPETITORS**

13 9. El Paseo and Out of the Box are competitors in the gold purchasing  
14 industry. They each purchase gold and other precious metals, such as silver and  
15 platinum, from consumers and then eventually resell the purchased metals to  
16 wholesalers, refineries, and other retailers. The industry is a highly competitive  
17 one.

18 10. El Paseo and Out of the Box compete within the some Southern  
19 California region known as the Coachella Valley which is populated by an  
20 estimated 600,000 people. El Paseo and Out of the Box both have a particular  
21 marketing focus on the Cities of Palm Springs, Palm Desert and Rancho Mirage.

22 11. El Paseo first entered the Coachella Valley market in November,  
23 1998, with its brick-and-mortar store located in Palm Desert, California.

24 12. Out of the Box first entered the Coachella Valley market in 2008 by  
25 hosting "house parties" and weekend purchasing events at hotels. In September,  
26 2009, Out of the Box opened its brick-and-mortar store in Rancho Mirage,  
27 California.

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1                   **B. OUT OF THE BOX'S ADVERTISING CAMPAIGN:**

2                   **"WE BUY THE MOST SO CAN WE PAY THE MOST."**

3           13. Out of the Box is owned by two principals, each owning  
4 approximately 50% of the company: (1) Darin Damme; and (2) Robert  
5 Riddlemoser. Damme and Riddlemoser started Out of the Box after long careers  
6 in radio, marketing, and advertising. Damme and Riddlemoser used their  
7 marketing and advertising background to design and implement an aggressive  
8 marketing campaign to promote Out of the Box throughout the Coachella Valley.

9           14. Starting in 2009 and continuing to the present, Out of the Box's  
10 marketing message has been expressed as follows: (1) "We buy the most. We pay  
11 the most"; or (2) "We buy the most so we can pay the most." With this message,  
12 Out of the Box Defendants intend to attract sellers, that generally do not have any  
13 kind of precious metals specialized knowledge, to sell their gold and precious  
14 metals to Out of the Box Defendants. Out of the Box Defendants' intended to  
15 communicate two things: (1) Out of the Box purchases the most so they are able  
16 to pay the most due to the amount of its purchase and sale volume; and (2) Out of  
17 the Box is the number one "popular" gold purchasing store in the Coachella  
18 Valley.

19           15. Out of the Box's message "we buy the most so we can pay the most"  
20 has been published several hundred times through radio, television, billboard, and  
21 print media.

22                   **C. OUT OF THE BOX'S FALSE VOLUME ADVERTISING**

23           16. On December 2, 2010, Out of the Box filed a federal lawsuit against  
24 El Paseo, case number EDCV10-1858 VAP(DTBx), ("OOTB Lawsuit"), based on  
25 a claim that El Paseo falsely advertised that it paid 92% of the spot price for gold  
26 ("92% Advertisements"). The 92% Advertisements were published in the Desert  
27 Sun newspaper from January, 2010, to September, 2010.

28           17. In July, 2012, a nine-day jury trial took place in the OOTB Lawsuit in  
Riverside, California. During the course of the trial, Damme, and Riddlemoser,

1 testified that they developed the "We buy the most. We pay the most." campaign  
2 but were injured by the 92% Advertisements because they diverted business away  
3 from Out of the Box Defendants.

4 18. During the trial, Riddlemoser testified that he was responsible for  
5 handling the bookkeeping and accounting for the Out of the Box Defendants Store.  
6 Riddlemoser also testified that he was responsible for ensuring that the gold  
7 inventory was accurately reflected in Out of the Box Defendants Store financial  
8 records.

9 19. During the trial, Damme and Riddlemoser testified that the amount of  
10 gold purchases sharply declined during the months that the 92% Advertisements  
11 were published: January, 2010 – September, 2010. In representing to the jury that  
12 Out of the Box had lost between \$5M - \$6.7M in purchases, Damme and  
13 Riddlemoser produced a forensic accounting expert, David Nolte, of Fulcrum  
14 Financial Inquiry, LLP ("Nolte"). In support of his analysis, Nolte referred to  
15 certain exhibits that summarized Nolte's review of Out of the Box's Quickbooks  
16 accounting records.

17 20. Damme, Riddlemoser and Nolte's testimony along with Out of the  
18 Box's Quickbook accounting records show that Out of the Box inflated the amount  
19 of volume of precious metals purchases in its advertisements published in the  
20 Desert Sun from October, 2009, to October, 2010, by up to 43%.

21 21. More specifically, El Paseo is informed and believes, and thereon  
22 alleges, that Out of the Box inflated its advertised amount of volume of precious  
23 metals purchases as follows (the numbers reflected as conservative):

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DATE OF AD/REPRESENTED VOLUME	APPROXIMATE INFLATED AMOUNT OF VOLUME ADVERTISED
10/9/10: \$2,600,000	\$1,127,085 (inflated by 43%)
11/5/09: \$3,300,000	\$1,331,253 (inflated by 40%)
12/5/09: \$4,300,000	\$1,436,864 (inflated by 33%)
12/24/09: \$5,100,000	-
3/8/10: \$6,300,000	\$1,520,790 (inflated by 24%)
4/18/10: \$8,100,000	\$2,958,231 (inflated by 36%)
5/3/10: \$8,300,000	\$2,684,150 (inflated by 33%)
6/6/10: \$8,300,000	\$2,447,064 (inflated by 29%)
7/6/10: \$8,300,000	\$1,791,858 (inflated by 22%)
8/8/10: \$8,300,000	\$1,376,602 (inflated by 17%)
9/6/10: \$8,300,00	\$989,437 (inflated by 12%)
10/6/10: \$8,300,00	\$521,731 (inflated by 6%)

22. Copies of advertisements published by Out of the Box in the Desert Sun from October, 2009, through October, 2010, are attached hereto as Exhibit 1 and incorporated herein ("False Volume Ads").

23. El Paseo is informed and believes, and thereon allege, that the False Volume Ads in Exhibit 1 are "page killer ads" intentionally made slightly larger than half of the page so that no other content on the page stands out. El Paseo is further informed and believes, and thereon alleges, that the Out of the Box (1) published the False Volume Ads in the Desert Sun at least four times a week; (2) for 11 months; (3) with an average daily circulation of 30,000 to 60,000. Based on these understandings, Out of the Box's False Volume Ads were circulated at least 1,320,000 to 2,640,000 times.

24. This False Volume Ads were not discovered by El Paseo until after the trial had concluded because (1) Nolte did not testify until the last two days of trial and during the damages phase of the trial (the trial had been bifurcated and the

1 liability portion had already gone to jury); and (2) Out of the Box adjusted its  
2 Quickbooks numbers and did not finalize its report based thereon until the trial.

3 25. El Paseo are informed and believe, and thereon allege, that given Out  
4 of the Box Defendants' (1) admitted competitive rivalry with El Paseo for the same  
5 target audience, as testified to during trial; (2) admitted aggressive advertising  
6 tactics, as testified to during trial; and (3) evidence of False Volume Advertising,  
7 El Paseo and consumers will continue to suffer injury due to Out of the Box  
8 Defendants' false advertising unless the Court enjoins this kind of advertising.

9 **FIRST CLAIM FOR RELIEF**

10 **(for False Advertising, 15 U.S.C. § 1125(a))**

11 26. El Paseo refers to paragraphs 1 through 25 of the Complaint,  
12 inclusive, and incorporates them by reference as though set forth in full.

13 27. As alleged in detail above, Out of the Box Defendants engaged in  
14 false advertising regarding its amount of volume of total purchases during its  
15 "We buy the most so we pay the most" campaign. The False Volume Ads  
16 constitute literal false advertising.

17 28. El Paseo are informed and believes, and thereon alleges, that each  
18 of the Out of the Box Defendants knew or should have known that each of the  
19 claims were false or misleading.  
20

21 29. El Paseo is informed and believes, and thereon alleges, that each  
22 of Damme and Riddlemoser, are liable under the Lanham Act for Out of the  
23 Box's False Volume Ads because they authorized, directed, and participated in  
24 the tortious acts notwithstanding that they each may have acted as agents for  
25 the corporation and not on their own behalf when creating and publishing the  
26 False Volume Ads.

27 30. Through the conduct alleged above, Out of the Box Defendants  
28



1 have used in interstate commerce false or misleading descriptions or  
2 representations of fact in connection with the commercial advertising or  
3 promotion of goods and services. Such descriptions and representations  
4 misrepresent the nature, characteristics, and qualities of Out of the Box  
5 Defendants' products and services, and are likely to influence the purchasing  
6 decision of consumers, wholesalers, and retailers. Such descriptions and  
7 representations have actually deceived or have the tendency to deceive a  
8 substantial segment of the relevant customers, and have injured El Paseo by  
9 diverting sales from El Paseo to Out of the Box Defendants. Accordingly, Out  
10 of the Box Defendants' conduct violates 15 U.S.C. § 1125(a).

12 31. El Paseo are informed and believe, and based thereupon allege,  
13 Out of the Box Defendants' false advertising in violation of 15 U.S.C. § 1125 has  
14 caused substantial injury to El Paseo and is continuing to cause substantial  
15 injury. El Paseo has no adequate remedy at law for these injuries. Unless Out  
16 of the Box Defendants are restrained by this Court from continuing its false  
17 advertising in violation of 15 U.S.C. § 1125, these injuries will continue to  
18 accrue. Pursuant to 15 U.S.C. § 1116, El Paseo is entitled to preliminary and  
19 permanent injunctive relief against Out of the Box Defendants' false  
20 advertising.

22 32. El Paseo is entitled, under 15 U.S.C. § 1117, to recover Out of the  
23 Box Defendants' profits realized as a result of Out of the Box Defendants' false  
24 advertising. Out of the Box Defendants' profits are in an amount not yet  
25 ascertained but to be proven at trial.

26 33. El Paseo are informed and believe, and based thereupon allege,  
27 that Out of the Box Defendants' false advertising as alleged herein was and is  
28



1 intentionally fraudulent, malicious, willful, and wanton. El Paseo are therefore  
2 entitled, pursuant to 15 U.S.C. § 1117, to recover threefold Out of the Box  
3 Defendants' profits realized by reason of Out of the Box Defendants' false  
4 advertising. El Paseo are further entitled under 15 U.S.C. § 1117 to recover  
5 the attorneys' fees incurred by it in this action.  
6

## 7 **SECOND CLAIM FOR RELIEF**

### 8 **(False Advertising, Cal. Bus. & Prof. Code §§ 17500 *et seq.*)**

9 34. Plaintiff refers to paragraphs 1 through 33 of the Complaint,  
10 inclusive, and incorporates them by reference as though set forth in full.

11 35. Out of the Box Defendants have engaged in the advertising  
12 described above with the intent to misrepresent the volume of precious  
13 metals purchases Out of the Box made in the Coachella Valley from 2009 to  
14 2010.

15 36. The advertising alleged herein, constitutes false or misleading  
16 advertising claims regarding character, extent, and volume of their business in  
17 violation of Cal. Bus. & Prof. Code § 17505 which provides: "...no person shall  
18 in any other manner misrepresent the character, extent, volume, or type of his  
19 business."  
20

21 37. Out of the Box Defendants' advertising is false or misleading and  
22 is likely to deceive consumers in that Out of the Box Defendants' false  
23 statements concerning the volume of precious metals purchases most likely  
24 induced consumers to sell precious metals to Out of the Box Defendants  
25 instead of competitors in the same industry like El Paseo.

26 38. El Paseo are informed and believe, and based thereupon allege,  
27 that Out of the Box's false and misleading statements have actually induced  
28

1 certain consumers to sell precious metals to Out of the Box Defendants  
2 instead of competitors in the same industry like El Paseo.

3  
4 39. El Paseo are informed and believe, and based thereupon allege,  
5 that in making and disseminating these statements, Out of the Box Defendants  
6 knew, or by the exercise of reasonable care should have known, that these  
7 statements were untrue or misleading.

8 40. El Paseo is informed and believes, and thereon alleges, that each  
9 of Damme and Riddlemoser, are liable under Cal. Bus. & Prof. Code §§ 17500  
10 *et seq.* and 17505 for Out of the Box's False Volume Ads because each of them  
11 personally caused, or being in control, at least permitted the acts constituting  
12 false advertising. Additionally, given Damme and Riddlemoser's ownership  
13 interests in Out of the Box, active management in Out of the Box, and roles in  
14 creating and publishing the False Volume Ads, Damme and Riddlemoser knew  
15 or should have known the falsity of the False Volume Ads.

16  
17 41. Out of the Box Defendants' false advertising in violation of Cal.  
18 Bus. & Prof. Code §§ 17500 *et seq.* and 17505 have caused substantial injury  
19 to El Paseo. El Paseo have no adequate remedy at law for these injuries.

20 42. El Paseo are informed and believe and therefore allege that unless  
21 Out of the Box Defendants are restrained by this Court from continuing its  
22 activities in violation of Cal. Bus. & Prof. Code §§ 17500 and 17505, these  
23 injuries will continue to accrue. Pursuant to Cal. Bus. & Prof. Code § 17535, El  
24 Paseo are entitled to preliminary and permanent injunctive relief against Out  
25 of the Box Defendants' false advertising.

26 ///

27 ///

**THIRD CLAIM FOR RELIEF**

**(Statutory Unfair Competition, Cal. Bus. & Prof. Code §§ 17200 *et seq.*)**

43. El Paseo refer to paragraphs 1 through 42 of the Complaint, inclusive, and incorporates them by reference as though set forth in full.

44. Out of the Box Defendants, by doing the acts alleged herein, have acted in violation of 15 U.S.C. § 1125(a), Cal. Bus. & Prof. Code §§ 17500 *et seq.*, and Cal. Bus. & Prof. Code § 17505.

45. By violating 15 U.S.C. § 1125(a), Cal. Bus. & Prof. Code §§ 17500 *et seq.*, and Cal. Bus. & Prof. Code Code § 17505, Out of the Box Defendants have engaged in unlawful, unfair, and fraudulent business practices constituting statutory unfair competition in violation of Cal. Bus. & Prof. Code §§ 17200 *et seq.*.

46. Out of the Box Defendants' unlawful, unfair, and fraudulent business practices in violation of Cal. Bus. & Prof. Code §§ 17200 *et seq.* have caused substantial injury to El Paseo.

47. El Paseo is informed and believes, and thereon alleges, that each of Damme and Riddlemoser, are liable under Cal. Bus. & Prof. Code §§ 17200 *et seq.* for Out of the Box's False Volume Ads because each of them personally caused, or being in control, at least permitted the acts constituting false advertising. Additionally, given Damme and Riddlemoser's ownership interests in Out of the Box, active management in Out of the Box, and roles in creating and publishing the False Volume Ads, Damme and Riddlemoser knew or should have known the falsity of the False Volume Ads.

48. El Paseo are informed and believe that, unless enjoined, Out of the Box Defendants will continue to cause substantial injury. El Paseo, therefore,

1 have no adequate remedy at law for these injuries. Unless Out of the Box  
 2 Defendants are restrained by this Court from continuing their unlawful,  
 3 unfair, and fraudulent business practices in violation of Cal. Bus. & Prof. Code  
 4 §§ 17200 *et seq.*, these injuries will continue to accrue.  
 5

6 49. Pursuant to Cal. Bus. & Prof. Code § 17203, El Paseo are entitled to  
 7 preliminary and permanent injunctive relief against Out of the Box  
 8 Defendants' unlawful, unfair, and fraudulent business practices constituting  
 9 statutory unfair competition in violation of Cal. Bus. & Prof. Code §§ 17200 *et*  
 10 *seq.*

# 11 PRAYER

12 WHEREFORE, El Paseo prays for judgment as follows:

## 13 A. FOR INJUNCTIVE RELIEF, ON ALL CLAIMS FOR RELIEF:

14 For a preliminary injunction and permanent injunction enjoining and  
 15 restraining, and its directors, officers, agents, servants, employees,  
 16 representatives, successors, assigns and any persons acting at their request or  
 17 direction or in active concert or participation with them, or any related  
 18 company embraced within the definition thereof contained in 15 U.S.C. §  
 19 1127, from engaging in any form of false advertising as alleged herein.  
 20

## 21 B. FOR MONETARY RELIEF, ON THE FIRST CLAIM FOR RELIEF:

22 (1) For an order requiring Out of the Box Defendants to account for  
 23 and pay over to El Paseo the profits realized by Out of the Box Defendants by  
 24 reason of the False Volume Ads;

25 (2) For the disgorgement of Out of the Box Defendants' ill-gotten  
 26 gains realized by Out of Box by reason of the False Volume Ads;

27 (3) For prejudgment interest at the maximum rate allowed by law.  
 28

1 C. ON ALL CLAIMS FOR RELIEF:

2 (1) For El Paseo's costs of suit herein;

3 (2) For attorneys' fees to the extent allowed by statute, including,  
4 without limitation, 15 U.S.C. § 1117; and  
5

6 (3) For such other and further relief as the Court deems just and  
7 proper.

8  
9 DATED: September 19, 2013

**LAW OFFICES OF EMMA D.  
ENRIQUEZ**

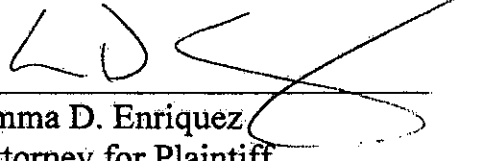
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12 Emma D. Enriquez  
13 Attorney for Plaintiff  
14 El Paseo Jewelry, Inc., a California  
15 corporation  
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EXHIBIT 1

AND THE DESERT SUN TUESDAY, OCTOBER 8, 2009

**NO GAMES...NO GIMMICKS****WE BUY THE MOST SO WE CAN PAY THE MOST****OUT OF THE BOX**  
ENTERTAINMENT.COM**GOLD STORE**  
has purchased over**\$2.6 MILLION** in**GOLD, SILVER, PLATINUM JEWELRY****RARE COINS, COIN COLLECTIONS, GOLD WATCHES & DIAMONDS****EXCLUSIVELY FROM THE COACHELLA VALLEY****NOW** we extend a personal invitation to you!**WHY SELL TO THE "MIDDLEMAN" AT A HOTEL WHEN  
YOU CAN RECEIVE EXACTLY WHAT THEY DO FOR YOUR ITEMS?****CASH FOR JEWELRY****OLD CLASS RINGS  
BROKEN CHAINS  
SINGLE EARRINGS****JUST SITTING IN THE BACK  
OF THE DRESSER DRAWER OR  
SAFELY DEPOSIT BOX BRING IT  
ALL IN AND LET US TURN IT INTO  
INSTANT CASH!****CASH FOR GOLD  
AND SILVER COINS**

1000's Gold	UP TO \$700,000
2500's Gold	UP TO \$1,400,000
5000's Gold	UP TO \$2,800,000
1000's Silver	UP TO \$100,000
2500's Silver	UP TO \$250,000
5000's Silver	UP TO \$500,000
1000's US Gold	UP TO \$100,000
2500's US Gold	UP TO \$250,000
5000's US Gold	UP TO \$500,000
1000's Silver (prior 1900)	UP TO \$100,000
2500's Silver (prior 1900)	UP TO \$250,000
5000's Silver (prior 1900)	UP TO \$500,000

**CASH FOR  
STERLING SILVER****ALL STERLING SILVER WANTED!  
TEA SETS, TRAYS, KNIVES,  
FORKS, SPOONS AND SERVING  
PIECES, SINGLE PIECES AND  
SETS, MONOGRAMMED STERLING  
SILVER, ALL PLATINUMS  
WANTED! ESPECIALLY GRAND  
BAROQUE, ROSEPOINT AND  
TIFFANY!****CASH FOR GOLD  
SILVER & PLATINUM**

GLASS RINGS	UP TO \$225
WEDDING BANDS	UP TO \$225
BRACELETS	UP TO \$2,500
WATCH CASES	UP TO \$3000
NECKLACES	UP TO \$5,500
CHARMS	UP TO \$1,500
BRING IN ALL BROKEN CHAINS & DENTAL AND SCRAP GOLD	

**FOR CASH OFFER!!!****CASH FOR  
RARE COINS**

1793 1/2 CENT	\$125-\$4300
1800 1/2 CENT	\$1000 TO \$800
1804 1/2 CENT	\$200-\$2000
1807 1/2 CENT	\$175-\$6000
1808 1/2 CENT	\$150-\$1000
1809 1/2 CENT	\$150-\$1000
1810 1/2 CENT	\$150-\$1000
1811 1/2 CENT	\$150-\$1000
1812 1/2 CENT	\$150-\$1000
1813 1/2 CENT	\$150-\$1000
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Across the valley

THE DESERT SUN • THURSDAY, NOVEMBER 5, 2009 • B5

coachella

# Literacy Festival aims to uplift valley youth



UC campus launches network to boost test scores, opportunity

BY E. KATHAROS

The event is a public launch for the Coachella Valley Literacy Network, a group created by the University of California, Riverside's Public Health Graduate Center as a way to address the valley's low language literacy and college attendance rates. Last year, Riverside, coached by the network, received a grant from the state to help improve literacy skills on state tests.

The valley's language proficiency scores for 11th-graders came in at about 39 percent, compared to 40 to 45 percent statewide, according to figures compiled by the literacy network.

There are all these people doing different literacy efforts in the valley, but they weren't sharing information. They weren't sharing needs. Literacy didn't seem to be a coordinated effort.

If you go

What: Literacy Festival  
When: 10 a.m. to 2 p.m. Nov. 21  
Where: Coachella Valley Library, 8538 Sherman St.  
Contact: (760) 798-5145

Valley literacy trails statewide figures

COACHELLA VALLEY

2nd grade language proficiency: 37.6 percent  
1st grade language proficiency: 28.3 percent  
Dropout rate: 21.6 percent  
College attendance at state schools: 36.9 percent

SOURCE: 2007-2008 test report, California Department of Education, California Performance Standards Commission

CALIFORNIA

2nd grade language proficiency: 53 percent  
1st grade language proficiency: 42 percent  
Dropout rate: 20.3 percent  
College attendance at state schools: 48 percent

Your news, 24/7

Find more news on the valley's literacy festival at [www.coachellavalleynews.com](http://www.coachellavalleynews.com).

other materials that reflect their personal interests. "Reading something that is personally really motivating gives reading ability," said Katherine Heston, a member of the literacy network who works at the Coachella Valley Unified School District. "If (people) are engaged in what's available, they can learn to use our vocabulary to learn, then they are more likely to practice it on their own."

What happens next? If you're a news story to an editor at a station, call (760) 738-4625 or send an e-mail to [katharine@coachellavalleynews.com](mailto:katharine@coachellavalleynews.com).

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## Across the valley

palm springs

## Police to host Cowboy Ball

BY TERRA SMITH

Palm Springs Police Department's Mounted Enforcement Unit will host the 10th annual Hike 4 Hope on Sunday, March 10, at the intersection of Highway 101 and Highway 78.

The event is a fundraiser for the Desert Valley Cancer Center. The event will start at 9 a.m. and end at 1 p.m. The route will go from the intersection of Highway 101 and Highway 78 to the intersection of Highway 101 and Highway 78.

The event is a fundraiser for the Desert Valley Cancer Center. The event will start at 9 a.m. and end at 1 p.m. The route will go from the intersection of Highway 101 and Highway 78 to the intersection of Highway 101 and Highway 78.

## Hike 4 Hope



When the hike is over, participants will receive a certificate of completion. The event is a fundraiser for the Desert Valley Cancer Center.



The 10th annual Hike 4 Hope on Sunday at the intersection of Highway 101 and Highway 78. The event is a fundraiser for the Desert Valley Cancer Center.

See more photos online at [mydesert.com/photos](http://mydesert.com/photos).



## Triathlon

LEFT: A triathlete in the desert. RIGHT: A triathlete in the desert.

LEFT: A triathlete in the desert. RIGHT: A triathlete in the desert.

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LEFT: A triathlete in the desert. RIGHT: A triathlete in the desert.

LEFT: A triathlete in the desert. RIGHT: A triathlete in the desert.

## Senior dating full of obstacles, but can end happily

In a recent column about the complexities of online dating, I mentioned that I had received a letter from a woman who was looking for a date.

The letter was from a woman who was looking for a date. She was looking for a date who was looking for a date.

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## WEEKEND INPHOTOS



Triathletes in the desert. A group of people participating in a triathlon.



Triathletes in the desert. A group of people participating in a triathlon.



Triathletes in the desert. A group of people participating in a triathlon.



Triathletes in the desert. A group of people participating in a triathlon.



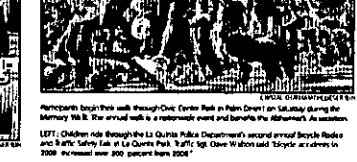
Triathletes in the desert. A group of people participating in a triathlon.



Triathletes in the desert. A group of people participating in a triathlon.



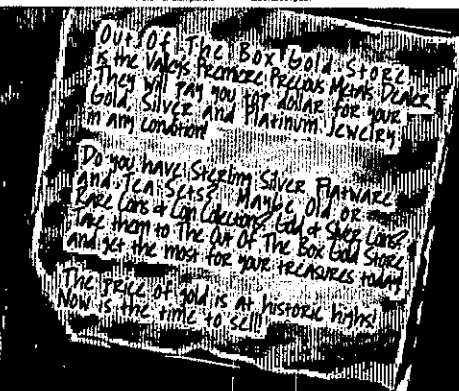
Triathletes in the desert. A group of people participating in a triathlon.



Triathletes in the desert. A group of people participating in a triathlon.



Pattie Daly Caruso  
HILL VALLEY NEWS



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Across the valley

THE DESERT SUN | SUNDAY, APRIL 28, 2010 | B5

palm desert

## PARTY FOR THE PLANET

Zoo celebrates Earth Day's 40th with cake, 'green' tips, free plants.

BY COLIN ADAMI

The Desert Sun

People who went to The Living Desert on Saturday in fact are animals get a lesson on preserving the planet they all call home.

The Palm Desert Zoo held a "Party for the Planet" celebration for the 40th anniversary of Earth Day.

Cake was served, admission was cut in half and "conservation" and "preservation" became the words of the day.

"If you can shoot the animals down it makes sense to want to make sure their environments are in order," La Quinta resident Helen Webb, 62, said as she left the zoo with her family Saturday.

"Kids absolutely realize animals are always happy and healthy," she added.

The 3,175 guests came to The Living Desert, doubling its regular Saturday attendance, said Kimberly Bowers, director of Community Relations.

Forty vendors — up from 26 last year — offered visitors advice on living a green lifestyle.

U.S. Bank representatives were encouraging people to switch to online banking to reduce the amount of paper used for printing bank statements.

The California Wildlife Federation Club's Palm Desert chapter encouraged guests to adopt Desert Tortoises.

The Living Desert's Green Team explained it's important to



discuss ways from plastic bottles and remove extra pounds from your car.

"They're just everyday people who are doing it," Green Team member Loretta Regalado said.

The Living Desert has celebrated Earth Day for at least 30 years and will continue to do so in the future, Dwyer said.

"We will discuss Earth Day celebration get together (the next celebration) is not something that will go away," she said.



Cassandra Dougherty

Cassandra Dougherty of Cathedral City carries in her bag independent plants, grown by Palm Desert's Bob Linwood, at the Living Desert's Earth Day Party for the Planet. By 3 p.m., 3,175 guests had visited the Palm Desert zoo.



Susan Self of Rancho Mirage

Susan Self of Rancho Mirage examines the independent plants, grown by The Living Desert's plant propagator, Bob Linwood, on Saturday at the zoo's Earth Day Party. The plants were given away to encourage people to grow them at home.

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Patti Daly Caruso

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## Exhibit 1 page 7



Across the valley

THE DESERT SUN | SUNDAY, JUNE 6, 2010 | B9

## ELECTION 2010

## City of Coachella residents to vote on new 5 percent Utility Users Tax

BY KATHY PERA

The Desert Sun

The outcome of Tuesday's ballot measure could determine the city of Coachella's financial future for the next several years.

Measure 1 will appear on the ballot for voters in Coachella to decide. If approved, the measure would impose a 5 percent Utility Users Tax on residents, which would appear on utility bills such as electricity, natural gas, water, sewer, telecommunications and garbage. City and Council members would not be taxed.

A majority of the voters needed to pass.

If approved, it would generate about \$1.4 million a year.

The first year through only about \$1.1 million because it will

take a few months for utilities to begin collecting.

The additional revenue would help the city balance its budget.

The city projects a general fund budget deficit for next fiscal year of up to \$2 million.

"It's important for the measure to pass or else the city will have to lay off police and fire and other," said Carmen Manriquez, spokeswoman for City of Coachella.

City officials say the revenue campaign led by Time Warner Cable was included in the decision, but is being excluded this time around.

There's really no need to fight in for as the revenue problem because our revenues are based on sales tax, property tax, and development fees, all of which are very stable in the economy," he said.

Rogers said it's important for voters to know that the revenue generated will stay in the city and cannot be raided by the state.

If the measure passes, a permanent five-member oversight

committee will be created to review the revenues and expenditures from the new tax.

The annual independent audit of the tax collection and its use will also be done.

The tax money would go into the city's general fund, which is used for city services such as police, fire, public works, streets, parks, youth and senior programs, housing and safety, community development and state compliance issues.

"It's important to maintain the services," Manriquez said.

## Election coverage

Be sure to check out representatives' reactions to the new tax and the impact on the most affected the Coachella Valley.

## ECONOMIC INDEX: Valley on cusp of recovery?

Continued from B1

Now, home development shows signs of life. And the auto industry had a halcyon month.

Recreation: Casino unemployment fell nearly 1 percentage point in April to 34.5 percent.

"We see general improvement up the road," ADRI said.

Even in "hot" housing, signs still are out — in some cases to replace jobs lost in 2009 — the gains remain sporadic. On Friday, the May June 2010 jobs on a disappointing note.

Layoff notices, early retirement packages and terminations still pepper the landscape and keep nerves rattled in local governments, schools and districts.

and nonprofit agencies grapple with shrinking tax dollars and charitable contributions. Job reductions from valley schools, from health care positions and early retirement alone affect 435 people.

The economy still is a far cry from the fourth quarter of 2009, when the valley barreled with a rating of 145.1.

But for now, the valley's business scene is working hard to reach 100.

During summer events that continue in 2010 and 2011, ADRI predicts the valley will cross and fall lines stop in the second half of 2010.

"The job market will come later," he said. "We're the inland empire, that could come in the fourth quarter of 2010 or early 2011."

Who handles news tips? To bring a news story to an editor's attention, call (760) 728-4623 or send an e-mail to [localnews@desertsun.com](mailto:localnews@desertsun.com)

## STATEHOUSE: GOP sets watch for party time

Continued from B1

It's size isn't likely to represent the Coachella Valley in the budget vote.

Of course, after Tuesday's election to fill the 37th Senate vacancy, you change that last one to five.

## Recently signed

The governor on Wednesday signed into law Senate Bill 408, which prohibits convicted violent felons from buying or owning body armor such as bulletproof vests.

The legislation, which took effect immediately, was authored by Democratic Sen. Alex Padilla. The principal co-author was Assemblyman V. Manuel Piner, a Coachella Democrat.

## On the radio

Speaking of Piner, he handled the Spanish version of last week's Democratic weekly address, which focused on protecting higher education funding.

The English version was done by Democratic Assemblyman Mary Black of San Diego.

## Partying till dawn

Candidates across California are planning what they hope will be victory parties for Tuesday night.

But perhaps the smartest party planners are the organizers at the California Republican Party, who have celebrated Monday night and again Wednesday morning.

"This struck at genius. If the GOP wins big, officials can keep working it. If they lose big, they've got a built-in recovery for the hangover."

## overheard

Assembly Committee Resolution 109 — which renames part of state Highway 78 in honor of the late Riverside County Supervisor Roy Wilson — was officially championed last week.

"Supervisor Roy Wilson was a personal friend and dedicated public servant," the resolution's author, Assemblyman Brian Nestande, said in a statement.

"His commitment to serving the residents of the Coachella Valley was widely recognized throughout the valley and will be forever remembered with this special highway designation."

Go to [dss.sos.ca.gov](http://dss.sos.ca.gov) for the Desert Sun also has the weekly political insider column. Send your tips to [localnews@desertsun.com](mailto:localnews@desertsun.com)

## Crime tips

Crime Stoppers is a nonprofit organization that gives cash rewards to informants whose tips lead to the arrest of crime suspects. The program is run by volunteers. Informants remain anonymous. (760) 341-7800

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*Fuller Daily Caliente*  
the Valley Times

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India

## Cantor sees science, religion as complementary

BY K. KAUFMAN

The Desert Sun  
Talking with Marlene Fine is a lot like watching a tennis match.

The Indo woman — who teaches science at Coachella Valley High School and is a Jewish cantor — can translate seamlessly from science to faith and back, again and she has some impressive cross-over done.

"As a scientist you have to study the details of the world, how things work and I think as a Jew that's what we do as well," she said. "We're studying the details of text and also details of the world. You're studying God's word."

Fine's personal combination of science and faith seems to be working for her and her students.

Fine has just ended her second year at Coachella Valley High where, despite her middle status, she is already teaching advanced-level students in chemistry, and

physics, said former principal Marlene Arrandondo, who retired at the end of the school year.

"She is an outstanding teacher," Arrandondo said. "I think that any time you can get a person who is well-rounded, just is going to get a fine teacher."

Fine also spent the five years participating in a teaching fellowship program sponsored by the National Science Teachers Association, getting special mentoring and an introduction to a range of teaching methods.

In the fall, she will be teaching Coachella Valley High's Advanced Placement chemistry class, with more than 20 students already signed up, she said.

In the meantime, she is in Florida, taking a three-week seminar on teaching physics.

"It's all about learning physics by doing physics, studying the motions of cars," Fine said in a phone interview. "When you teach them, you learn how to plug in numbers, how you do the lab first."



Cantor Marlene Fine of India is in Palm Desert with her son Max, 3. She is also a physics teacher at Coachella Valley High School.

## Dissatisfaction

Fine's sister is in Los Angeles, where she grew up in a largely nonobservant Jewish family, in her dual role in the Coachella

Valley, has been predictably curious. After getting her chemistry degree from Cornell University in 1987, she got a job as a science

## What is a cantor?

In the Jewish religion, a cantor, or Chazan, is a person who leads the congregation in prayer, often chanting the Hebrew prayers in ritual melodies.

Known by other names, he is traditionally viewed as a teacher, to whom the community looks for advice and emotional support, although they also lead services and chant prayers.

While Reform Judaism, the more liberal arm of the religion, began ordaining women rabbis and cantors in the 1970s, the Jewish Theological Seminary, the main school for Conservative rabbis and cantors, did not start ordaining women until the 1980s. It was 1990 until the Cantors Assembly of America took a Conservative position, ordaining women.

It's a matter of traditional Jewish law, said Marlene Fine of India, who was ordained by the Jewish Theological Seminary, and now serves as cantor at the Reform Hareli Congregation in Palm Desert.

In order to pray for the community, you need to have the same obligations as the community, and since in traditional Judaism women don't have those obligations — they're home with the children — they can't pray for the community," she said.

"The way the Conservative women worked around it (was that) the women could choose to accept those obligations and then they could become cantors," she said.

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*Public Daily Express*  
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teacher in the Los Angeles Unified School District.

And she realized, she was miserable. "I didn't have administrative

support, and I was teaching areas of science I had never studied myself," she said.

So, after a stint in the music business, Fine went back to school — at the Jewish Theological Seminary in New York

— to become a cantor, eventually landing at a synagogue in Northern California.

And again, she realized, she was miserable.

"A lot of people are really active in synagogues for the wrong reasons; they take out their stress there," said Fine. "You weren't necessarily dealing with God in

ance; you were dealing with unimportant things that got people all riled up."

Fine left the synagogue and moved to the Coachella Valley in the near her parents, who had retired here and with her biological clock ticking, became a single mother.

Supporting her son, Max, meant finding a job — fast — and she decided to go back in teaching.

She started as a substitute at India High School and then, on a tip from a friend, applied to the Coachella Valley Unified School District, which at the time, she said, she didn't even know existed.

"It was the end of the earth," she said of her first visit to Coachella Valley High for an interview with Arrandondo. "I had no idea where I was, and it was a little scary."

Learning to 'sing'

But she had an instant connection with Arrandondo, whose own family roots include Marrano, Jews who were forced to convert to Christianity during the Spanish Inquisition in the late 1400s but continued to practice their religion in secret.

"The word 'cantor' is someone who sings; we still use it in Spanish," he said. "To be a cantor, you have to be highly educated, you have to be highly sensitive."

Her return to the pulpit at the 1101-1100 in Palm Desert allowed her through a networking job that turned permanent.

In the Jewish religion, we take the view that God created the world, and we strive to learn more about it to help benefit humanity and help enhance life for people," said Rabbi Richard Ziemer of 1st 11. "By being involved in science, (Fine) is part of that effort, and she is doing something we very much appreciate."

While she does not believe in theories of "intelligent design" — which hold that religious approaches to creation should be taught in science classes — that says her love of science continues to inform her religion and vice versa.

"I suspect, he with a believer in God, probably one of the most brilliant scientists of the 20th century, because the more you find out about things, the more amazing it is," she said.

One of my favorite stories in the Torah is the burning bush. It's about, referring to the biblical story in Exodus in which God speaks to Moses through a bush that is burning but not consumed by the fire.

"How long would Moses have to be looking at a bush to realize it's burning, unquenched? God waited for Moses to notice and then spoke to him. He waited for someone who was receptive. You can't have a conversation with God, you can't have that relationship until you take the time to look for it."

Kaufman covers Palm Desert for The Desert Sun. She can be reached at kkaufman@desertsun.com.

## BUDGET: Hundreds of jobs to be phased out

Continued from B1

The county is cutting 562 offices in reserves and slashing expenditures by \$71 million to offset the structural deficit, as the county continues to reduce services, the gap will be less and less, officials said.

Under a two-year cost-cutting plan that began in 2008, the county has reduced spending by 15 percent, according to the Executive Office. The new fiscal year budget is roughly 11 percent less than the 2009-10 plan.

Through October, early re-

formations and terminations about 1,110 county positions have been eliminated, said June 2009, county officials said.

According to county Human Resources spokeswoman Stacy Steele, 73 people were down-sized between June 2009 and June 2010, and 40 people have received pink slips in the last month.

Several hundred additional jobs are expected to be phased out in the coming year, according to the Executive Office.

"Looking ahead, department

heads are expected to manage spending to prevent any additional demand on the general fund," Steele said. "Budgetary constraints preclude new hires and put the programs and personnel of other departments at risk."

The county's revenue pool is \$239 million, compared to \$429 million three years ago—a 45.7 percent drop—according to county budget director Rob Rockwell.

"Discouraging revenue is projected to drop this year to \$392 million from \$620 million in 2009-10."

The budget blueprint points out that California's General Assembly could fail the county's financial goals. The state is facing a \$19.1 billion budget gap and doesn't have a spending plan in sight, county officials noted.

Nearly a third of the county's expenditures are "pass-through" funds from the state, according to budget director Rockwell, said the biggest concern is the funding dedicated to social services.

He told the Executive Office is exploring various options to pay the county's bills in the

event the state withholds money including raising bonds.

The county budget reflects anticipated funds from multiple sources, including property taxes, the state and federal governments, service fees and permits and licenses.

"This is one of the realistic, direct, transparent analysis we've ever done," said Rockwell, who did not expect the board to raise any objections.

"Thanks to the budget workshops and discussions, there have been additional in-

## COMMUNITY CALENDAR

today:

Sunday Bicycle Ride to the Bull at 8 a.m., Starburst coffee lot at the Bull's meeting center, 425 South Sunrise Way, Palm Springs (760) 735-1387.

Bridge lessons, 9 a.m., Cathedral Center, 3171 W. Buddy Rogers Ave., Cathedral City (760) 321-5448.

Second Sunday musical education, with all items and live performances, 10 a.m. to 5 p.m., Palm Springs Art Museum, 101 Museum Drive, Palm Springs (760) 327-4800.

Duplicate bridge, 1 p.m., Cathedral Center, 3171 W. Buddy Rogers Ave., Cathedral City (760) 321-5448.

monday:

Open gym basketball, 7:30 to 9 p.m., Men's Gym, President Gerald R. Ford Boys & Girls Club of La Quinta, 49-975 Park Ave., La Quinta (760) 344-5555.

LA Senior blood donation drive, 8 a.m.-noon, Merrill Senior Center, 480 S. Sunrise Way, Palm Springs (800) 878-4484.

Lawn bowling, 8:30 a.m., JoAnn Center, 73-750 Catalina, Palm Desert (760) 340-3270.

Open party bridge, 9 a.m., Golden Rainbow Center, 700 E. Tahquitz Canyon Way, Suite F, Palm Springs (760) 476-7790.

Widow or widowers guest speaker series with Hugh Wright, presenting a lecture on universal shapers, 12 a.m., Merrill Senior Center, 480 S. Sunrise Way, Palm Springs (760) 321-5448.

Woodcarvers group, 10 a.m., JoAnn Center, 73-750 Catalina, Palm Desert (760) 347-7731.

Chile yoga, 11 a.m., Cathedral Center, 3171 W. Buddy Rogers Ave., Cathedral City (760) 321-5448.

Bridge with prizes, including Merrill Center, 1100 N. Mission, Senior Center, 480 S. Sunrise Way, Palm Springs (760) 321-5448.

Bridge, noon, Cathedral Center, 3171 W. Buddy Rogers Ave., Cathedral City (760) 321-5448.

Duplicate bridge, noon, La Quinta Senior Center, 78-450 Avenida La Honda, La Quinta (760) 346-0096.

Sunrise food program, featuring coconut lunches to children 2-8 years of age, 12:30-1:30 p.m., JoAnn Center, 73-750 Catalina, Palm Desert (760) 347-7731.

ABC bridge, 1 p.m., JoAnn Center, 73-750 Catalina, Palm Desert (760) 347-7731.

Duplicate bridge, 1 p.m., Cathedral Center, 3171 W. Buddy Rogers Ave., Cathedral City (760) 321-5448.

Powder, 1 p.m., Golden Rainbow Center, 700 E. Tahquitz Canyon Way, Suite F, Palm Springs (760) 321-5448.

Table tennis, 1 p.m., JoAnn Center, 73-750 Catalina, Palm Desert (760) 347-7731.

Debtors Anonymous meeting, Mondays except on bank holidays, 5:30 p.m., U.S. Bank, 72-650 Highway 111, Palm Desert (760) 347-7731.

Oversight Anonymous support group meeting, 5:30 p.m., La Quinta Mall, 44-975 Palm St., Indio (760) 773-7773.

Square dancing, 5:30 p.m., Cathedral Center, 3171 W. Buddy Rogers Ave., Cathedral City (760) 321-5448.

Acting class, 6 p.m., Cathedral Center, 3171 W. Buddy Rogers Ave., Cathedral City (760) 321-5448.

Bariatric surgery support group, 6:30 p.m., Rancho Valencia Center, 1000 Highway Medical Center, 29-000 11th Hope Drive, Rancho Mirage (760) 837-6490.

Gay men's discussion group, 6-8 p.m., Golden Rainbow Center, 700 E. Tahquitz Canyon Way, Suite F, Palm Springs (760) 476-7790.

Adult Children of Alcoholics support group, 7 p.m., Golden Rainbow Center, 700 E. Tahquitz Canyon Way, Suite F, Palm Springs (760) 992-7522.

OSA support group, Grupo de Soporte de la OSA, 7 p.m., Ayuda for women, men and adolescents with emotional, drug and alcohol problems, 7 p.m., Club House, 22-840 Sterling Ave., Palm Springs (760) 334-0505.

tuesday:

Chile yoga, Golden Rainbow Center, 700 E. Tahquitz Canyon Way, Suite F, Palm Springs (760) 476-7790.

Walkabout camp, 8:30 a.m., La Quinta Senior Center, 78-450 Avenida La Honda, La Quinta (760) 346-0096.

Meals for health, 8:30 a.m., JoAnn Center, 73-750 Catalina, Palm Desert (760) 340-3270.



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— Valley Views



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THE DESERT SUN | MONDAY, SEPTEMBER 6, 2010 | B7

coachella valley

## Proportion of Hispanic kindergartners on the rise

BY RAYLA EL HASSSE  
AND PAUL OVERBERG  
SDA TODAY

The kindergarten class of 2010-11 is less white, less black, more Asian and much more Hispanic than in 2000, reflecting the nation's rapid racial and ethnic transformations.

The profile of the 4 million children starting kindergarten reveals the startling changes the USA has undergone the past decade and offers a glimpse of its future. In this year's class, for example, about one out of four 5-year-olds will be Hispanic.

Most of today's kindergartners will graduate from high school in 2023.

Of the Coachella Valley's three public school districts, Palm Springs Unified's kindergarten enrollment most closely mirrors the statewide trend.

Student ethnicity is not an accurate predictor, however, said Christine Anderson, assistant superintendent of educational services.

"We take children as they come, and we educate them the same."

"(Ethnicity) is not as educationally relevant," Anderson said, adding that an awareness of the community does help teachers connect to students.

"What's educationally relevant is if we have a child who's not speaking English."

Those two factors aren't necessarily connected, she said.

The percentage of Hispanic kindergartners in Palm Springs Unified has grown by about 8 percentage points since 2000 to 2009.

The percentage of English learners in all elementary grades increased by about 3 percentage points in the same time period.

More Hispanic children are likely in the next generation because the number of Hispanic girls entering childbearing years is up over 30 percent this decade, says Kenneth Johnson, demographer at the University

of New Hampshire's Center for Policy Studies. That's only one leg of the story.

A USA Today/Newsweek analysis of the most recent government statistics shows:

• About 25 percent of 5-year-olds are Hispanic, a big jump from 16 percent in 2000.

Hispanic children represent 16 percent of the nation's 5-year-olds.

• In Palm Springs Unified, the percentage of Hispanic kindergartners increased from 16 percent in 2000 to 24.5 percent in 2009.

Desert/Sunrise Unified and Coachella Valley Unified both saw a slight drop in the percentage of Hispanic kindergartners.

USPSD went from 23.5 percent in 2000 to 21.1 percent in 2009. Coachella Valley Unified stayed about the same — 68 percent in 2000 as less than 67 percent in 2009.

• The percentage of white 5-year-olds fell from 59 percent in 2000 to about 53 percent today, and the share of black 5-year-olds rose from 15 percent to 13 percent.

• The percentage of black students stayed about the same during the last decade in all three public school districts — about 63 percent in CVUSD, just over 3 percent in USPSD and about 31 percent in PLSUD.

• In Palm Springs and Desert/Sunrise Unified both reported a decrease in the percentage of white students (from 2000 to 2009).

PLSUD dropped from about 14 percent to about 14 percent, and USPSD dropped from about 34 percent to about 36 percent.

The percent of white students in CVUSD remained at just more than 1 percent during that time frame.

"This is not just a big-city phenomenon," Johnson says. "The percentage of minority children is growing fast in the suburbs and in rural areas."

In 1997, Census Bureau's Hispanic population was 13.8 percent, up from 10.3 percent in 1990. In 2000, it was 15.1 percent. In 2009, it was 16.3 percent.

Hispanic growth is rising, while young whites are about 45 percent in the same period.

Schools face linguistic challenges. The share of preschoolers who speak English at home dropped from 81 percent in 2000 to about 78 percent. The share of Spanish speakers grew from 14 percent to 16 percent.

The percentage of English learners in PLSUD elementary schools has not changed much from the 1999-00 school year to 2008-09 — about 40 percent in both years.

The percentage of English learners in Desert/Sunrise Unified elementary schools increased by about 2 percentage points in the same time period, growing from about 34.5 percent to 36.5 percent.

That makes it more difficult to teach them even more important than 10 years ago," says Dr. Steven Barnett, director of the National Institute for Early Education Research at Rutgers University. "In some districts, 40 percent of their kids are Latino, and 4 percent of their teachers are."

It's a huge gap.

Educators are grappling with the challenge, and we really have a long way to go before we understand what the best methods are," says Lisa Guernsey, director of the Early Education Initiative at the nonprofit New America Foundation. "Today's kindergartners are tomorrow's high schoolers, and we need to know what their needs are."

Kindergarten enrollment is up from 2.8 million in 2000 to about 4 million.

Desert Sun senior Michele Kishel contributed to this report.

larsen justice center

## Jury to be chosen in reported gang shooting

Jury selection is set to begin Tuesday at 10 a.m. in the trial of Daniel Karlson, a reported gang member accused of shooting a rival in July 2008 in Thousand Palms.

Karlson, of Palm Desert, is accused of fatally shooting Johnny Godinez, 22, of Cathedral City in July 2008.

On July 15, 2009, Karlson was arrested in Texas on suspicion of felony weapons charges related to the murder.

He was later extradited to California.

According to the Riverside County Superior Court website, Karlson has had numerous run-ins with authorities.

He was arrested on two counts of murder in 2002, and had burglary convictions in 1998 and 2002.

Attending to sheriff's officials, Godinez was found at 1:04 a.m. in the 73-000 block of Del Norte Valley by deputies responding to a call of an assault with a deadly weapon.

Officers on the scene found Godinez outside a home, suffering from several gunshot wounds.

Paramedics rushed him to Desert Regional Medical Center, where he died at 3:15 a.m.

City News Service contributed to this report.

## Blood donations

• Community Blood Bank's Cancer Facility, 39-000 Bob Hope Drive in Rancho Mirage. Hours: 8 a.m.-6 p.m. Mon-Fri, 8 a.m.-4 p.m. Sat and 7-30 a.m.-2:30 p.m. Sun. Tel: (760) 773-4700.

• The Community Blood Bank facility at 46-100 Rubidoux St. in Indio is open 11 a.m.-2 p.m. Tue and Thu and 8 a.m.-2 p.m. Sat. Tel: (760) 863-5377.

• Community Blood Bank's Bloodmobile regularly visits the following locations: Kmart Shopping Center, 14-001 Palm Drive, Desert Hot Springs. 2:30-4:30 p.m. the first Tue of the month; Sun Lakes Shopping Center, 200 S. Highland Springs, Banning. 2-4 p.m. Mondays; and the Town Center Mall, 57-725 Thousand Palms Highway, Yuca Valley. 11-6 p.m.

Info: (866) 507-5433. • LifeStream Co. Quince Donor Center Facility, 78-275 Corporate Centre Drive in La Quinta. Hours: 11 a.m.-7 p.m. Tue and Thu; 9 a.m.-5 p.m. Wed, Fri, Sat; closed Sun and Mon. To donate blood, a person must be at least 17 years old (15- and 16-year-olds may donate with a signed LifeStream consent form), weigh at least 110 pounds, be in good health and be free of antibodies for at least two weeks. Donors can find out about eligibility when they call, too.

Info: (760) 777-8844.

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Across the valley

THE DESERT SUN | WEDNESDAY, OCTOBER 6, 2010 | B3

COMMUNITY  
CALENDAR

## Today

**Children's Story Time at the Museum** 10 a.m., La Quinta Museum, 7785 Avenida Montezuma, La Quinta (760) 777-7770

**Hopkins Heritage Film Screening** "American Me," 10 a.m. 1:30 p.m., Tolerant Educator Center, 3547 Linda Lane, Rancho Mirage (760) 326-0252

## Thursday

**Royal Palm Dinner** 7 p.m., Royal Palm, 34501 Date Palm Drive, Cathedral City 55 (760) 325-4473

**A Walk With Great Presidents**, an interactive, educational program with actors portraying presidents George Washington, Thomas Jefferson and James Madison discussing the U.S. Constitution, 9:30-11 a.m., Forest Lawn, 69955 E. Hansen Road, Cathedral City (760) 328-3471 or [www.forestlawn.com](http://www.forestlawn.com)

**Lupus support group**, 11 a.m., Rosenberg Center for Health Sciences at Eisenhower, 39000 Bob Hope Drive, Rancho Mirage (760) 348-1234 or (760) 344-2308

**Legal aid services**, 1:30 p.m., Cathedral Center, 37771 W. Buddy Ryan Ave., Cathedral City (760) 321-5418

**Colony support group**, 1:30 p.m., Eisenhower-Lucy Carr Cancer Center, 39000 Bob Hope Drive, Rancho Mirage (760) 373-7997

**Stroke support group**, 3:30 p.m., Eisenhower Center for Health Sciences at Eisenhower, 39000 Bob Hope Drive, Rancho Mirage (760) 348-1234

**Contemporary art and culture** fair, models, party, featuring art by Louise and Campbell, 6-9 p.m., DOS Salon, 73850 D Pines, Suite 6, Palm Desert (760) 776-0977

**Global Lens Fall Film**, featuring the 2009 film from Museum "Adapt" 6 p.m., Palm Springs Art Museum, 101 Museum Drive, Palm Springs, Calif. (760) 322-4800 or [www.palmartmuseum.org](http://www.palmartmuseum.org)

## Friday

**Palm Springs Women's Press Club** luncheon with guest speakers Dorothy Dale Kline and Ken Prescott, 11 a.m., Desert Falls Country Club, 111 Desert Falls Parkway, Palm Desert 525 (760) 862-5373

**Desert Heartquakes support group**, 1:30 p.m., First Senior Center, 480 S. Sunrise Way, Palm Springs, Calif. (760) 768-1407 or [www.desertheartquakes.org](http://www.desertheartquakes.org)

**Business expo** sponsored by Palm Desert Chamber of Commerce, 4-7:30 p.m., Fantasy Springs Resort, 84400 Indio Springs Parkway, Indio 55 (760) 345-6711

**Old Schoolhouse Lecture Series** with David Lamborn on the California Desert Protection Act of 2009, 7 a.m., Old Schoolhouse Museum, 6140 National Park Drive, Twentynine Palms 55 (760) 367-5535

## Saturday

**Fourth annual Pink II Pines**, Pink walk, benefit Desert Cancer Foundation, 8:30 a.m., The Gardens on El Pinos, 234 S. El Pinos, Palm Desert 575-5200 (760) 773-6554 or [www.desertcancerfoundation.org](http://www.desertcancerfoundation.org)

**15th annual Desert Garden Community Day**, 9 a.m., Palm Desert Foundation Community Center, 72559 Highway 75, Palm Desert (760) 325-5236 or [www.desertfoundation.org](http://www.desertfoundation.org)

**Saturday Outdoor Market**, featuring produce, clothing, jewelry, collectibles and local vendors, 9 a.m.-4 p.m., Canyon Plaza South, 69555 Highway 111 (East Palm Canyon Drive), Cathedral City (760) 333-7700

**Art Under the Umbrella**, featuring 70 artists' exhibitions, live music, wine tasting and demonstrations, 10 a.m.-4 p.m., Del Teso La Quinta, corner of Calle Tampara and Desert Club Drive, La Quinta (760) 364-1044 or [www.ual.com](http://www.ual.com)

**Palm Desert public art tour**, 10-11 a.m., Palm Desert Public Library, 73300 Fred Waring Drive, Palm Desert (760) 346-0401, Ext. 661

**Travel and packing seminar**, 10 a.m., K's in the Sun, 72363 Highway 75, Palm Desert (760) 368-4300

**17th Annual Fall Fashion Show**, featuring July Couture, Kate Spade and Lucky Brand items, 1 p.m., El Pinos Village, Southwest parking lot between San Pablo & Lucine, Palm Desert, [www.thefirstseason.com](http://www.thefirstseason.com)

**Phoenix Suns vs. Dallas Mavericks** preseason NBA game, 6:30 p.m., Indian Wells Tennis Garden, 78000 Mike Ave., Indian Wells 520-5300 (800) 462-7949 or [www.suns.com](http://www.suns.com)

Joshua tree national park

## Hiker followed shade during 6 days in desert

BY JACOB AGELOMAN

The Associated Press

A 64-year-old man, stranded for six days in the Joshua Tree desert, said today he survived by staying still to avoid rangers and moving only to follow the shade.

Edward Rosenbush said he couldn't sit up when a helicopter rescue crew found him last Thursday.

"He was pinned and a helicopter flew over at his first rescue attempt, but he couldn't sit up in the desert when he had lost 30 pounds."

His dog was lost and his wife and his son were told but alert to be rescued the days with no food or water, Rosenbush said.



Rosenbush

the rain drops he caught in his mouth during a storm that came the day before he was found.

"I'm much more resilient now," he said. "I prayed for rain and it rained."

His ordeal started Sept. 21 when Rosenbush went for a day hike but became disoriented after taking a wrong turn while on his way to his car.

In the days that followed, he wrote on his blog what he thought would be his last messages of love to his wife and daughter, and he left plans for his funeral.

to his mother he wrote: "A brother like you is a good and true." To his nephew "Gabe" — "I'll miss you."

He named his dog, "Buddy," for his friend, specified a theme and asked guests to get drunk and celebrate his life.

Rosenbush, a prominent Los Angeles real estate broker, said he limited his movements to save a little energy to eat, drink and rest.

He said he spent walking back to his tent and out of the sun just a few times a day.

"I'll be in the 10 steps that was a big deal," said Rosenbush, who spoke in the dining room of Club's Cafe, a landmark restaurant he had founded the night just days before he was found.

He said he had a short hike to Joshua Tree National Park, where he had been many times.

After losing his bearings, he wandered about 25 miles in the scorching heat to the canyon where he spent the 6 following days with a barely buzzing, aching head.

He was dehydrated when rescue crews found him in a hospital and doctors said his kidneys were in danger of failing.

"I did not think he would have survived without the walking stick, the light rain and the small canyon that offered refuge from the sun."

"That little fire-axe canyon saved my life. It always had some shade," he said.

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**I. (a) PLAINTIFFS** (Check box if you are representing yourself ☐)

El Paseo Jewelry, Inc., a California corporation

**DEFENDANTS** (Check box if you are representing yourself ☐)

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)

Law Offices of Emma D. Enriquez (225059)  
505 N. Arrowhead Avenue, Ste. 510, San Bernardino, California 92401  
emma@emmaenriquez.com  
(909) 206-1246 (phone and facsimile)

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)

**II. BASIS OF JURISDICTION** (Place an X in one box only.)

- ☐ 1. U.S. Government Plaintiff  
☒ 3. Federal Question (U.S. Government Not a Party)  
☐ 2. U.S. Government Defendant  
☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**—For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. ORIGIN** (Place an X in one box only.)

- ☒ 1. Original Proceeding  
☐ 2. Removed from State Court  
☐ 3. Remanded from Appellate Court  
☐ 4. Reinstated or Reopened  
☐ 5. Transferred from Another District (Specify)  
☐ 6. Multi-District Litigation

**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)

**CLASS ACTION** under F.R.Cv.P. 23: ☐ Yes ☐ No **MONEY DEMANDED IN COMPLAINT:** \$ unknown

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
False advertising suit brought under 15 USC 1125(a); Cal. Bus. & Prof. Code 17500, 17505; Cal. Bus. & Prof. Code 17200. Plaintiff seeks damages, disgorgement, and injunctive relief.

**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY/CONTRACT	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<b>Habeas Corpus:</b>	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b>	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 530 General	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<b>APPEALS</b>	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat.TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<b>WOMEN'S RIGHTS</b>	<b>FEDERAL TAXES</b>
<input checked="" type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle Product Liability	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 740 Railway Labor Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 751 Family and Medical Leave Act	
<input type="checkbox"/> 950 Constitutionality of State Statutes			<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY:

Case Number:

ED CV 13 - 01708 CBM (OPx)

BY FAX

## UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

## CIVIL COVER SHEET

**VIII. VENUE:** Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

<b>Question A: Was this case removed from state court?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS REMOVED FROM THE COUNTY OF	
	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	Eastern

<b>Question B: Is the United States, or one of its agencies or employees, a party to this action?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	NATIONAL		
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
	<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western

Indicate the location in which a majority of plaintiffs reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>C.1. Is either of the following true? If so, check the one that applies:</b> <input type="checkbox"/> 2 or more answers in Column C <input type="checkbox"/> only 1 answer in Column C and no answers in Column D  Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below. If none applies, answer question C.2 to the right. →	<b>C.2. Is either of the following true? If so, check the one that applies:</b> <input checked="" type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> only 1 answer in Column D and no answers in Column C  Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below. If none applies, go to the box below. ↓
Your case will initially be assigned to the WESTERN DIVISION. Enter "Western" in response to Question D below.	

Enter the Initial division determined by Question A, B, or C above: →	Eastern Division
---	------------------

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**IX(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed?

☒ NO

☐ YES

If yes, list case number(s): \_\_\_\_\_

**IX(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case?

☒ NO

☐ YES

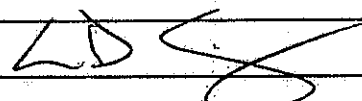
If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

(Check all boxes that apply)

- ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**X. SIGNATURE OF ATTORNEY  
(OR SELF-REPRESENTED LITIGANT):**



**DATE:** September 19, 2013

**Notice to Counsel/Parties:** The CV-71 (J5-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))



## Name &amp; Address:

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 San Bernardino, CA 92401  
 (909) 206-1246 (phone/facsimile)

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

EL PASEO JEWELRY, INC., a California  
 Corporation,

PLAINTIFF(S)

CASE NUMBER

ED CV 13 - 01708 CBM

v.

OUT OF THE BOX ENTERPRISES, a Texas limited  
 liability company; DARIN DAMME, an individual;  
 ROBERT RIDDLEMOSER, an individual

DEFENDANT(S).

SUMMONS

(OPx)

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Emma D. Enriquez, whose address is 505 N. Arrowhead Ave., Ste. 510, San Bernardino, CA 92401. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: SEP 20 2013By: A. COBLAN  
Deputy Clerk

(Seal of the Court)



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].